IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24563 of 2003

Between:

P.Parandham Kumar S/o. P.Ramaswamy, E-Code 2888103
KK5 incline, Mandmarri, Adilabad District.

..... PETITIONER

AND

1 The Deputy General Manager (Personel - Corporate) Singareni Colleries Company Ltd., Kothagudem, Khammam District.
2 Superintendent of Mine, KK5 Incline Singareni Colleries Company Ltd. Mandamarri, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in Transferring a last graded General Mazdur like the petitioner from KK5 Mandamarri to a distant place like Manuguru project Area, within 36 days is illegal, arbitrary and violative of Art 14 of Constitution of India and consequently direct the respondents to issue Guide lines for transfer of NCWA employees Vide CRP/PER/PM/3932/M-2250 Dated:6-12-2002 and cancel the transfer orders Vide Ref CRP/PER/PM/3932/1970 Dated:6-11-2003.

Counsel for the Petitioner:MR.D.SURESH KUMAR

Counsel for the Respondents 1 & 2 : Sri K.Srinivasa Murthy.

The Court made the following :

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O R D E R:

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This writ petition is filed by the petitioner questioning the action of the 1st respondent-Deputy General Manager, Singareni Colleries Company Limited, Kothagudem, Khammam District, transferring the petitioner from KK5-Incline, Mandamarri to a distant place like Manuguru Project area, within a period of 36 days as illegal and arbitrary.

The facts of the petitioner's case in brief are that the petitioner joined the respondent company on 31.08.1989 at Sreerampur area, as last grade General Mazdur. In the year 1998 he was transferred to SMG-3 Mine, Mandamarri area. On 18.11.2002, he was again transferred to RG-1 Ramagundam Area. There after, on mutual exchange with one K.Lingaiah, he was again transferred to Mandamarri area, vide orders, dated 21.12.2002. On 01.10.2003, he joined at KK-5 Incline, Mandamarri Area. Again on 06.11.2003 he was transferred from KK-5 Incline, Mandamarri to a very distant place at Manuguru area. Challenging the said order, this writ petition is filed.

The respondents filed counter stating that on an application made by the petitioner, dated 11.10.2000, requesting the authorities to transfer him to SMG-3 Incline from KK-1 Incline, the Management passed orders vide Office Order, dated 17.11.2000,

by imposing the same terms and conditions of the office order, dated 20.08.2000. There after, under the administrative exigencies, the respondent company passed orders, dated 18.11.2002, transferring the petitioner from SMG-3 Incline to Ramagundam-I area, but he did not join in that area for the reason that SMG-3 Incline is going to be closed. As the petitioner did not join SMG-3 Incline, the management passed orders, dated 21.12.2002, cancelling its earlier order, dated 18.11.2002. There after, on an application made by the petitioner, dated 25.02.2003 seeking to post him at KK-5 Incline, by order, dated 13.09.2003, the request of the petitioner was considered. On 01.10.2003, the petitioner joined at KK-5 Incline, Mandamarri and continued there upto 06.11.2003. As the petitioner was never transferred under Re-deployment Scheme from 18.11.2002 onwards, the transfer orders, dated 06.11.2003 were issued to the petitioner. Hence, it is incorrect to state that within a short period of 36 days, the petitioner was transferred from KK5, Mandamarri to Manuguru Project Area. It is further stated in the counter that the impugned order of transfer, dated 06.11.2003 is a routine transfer made on the administrative grounds. One of the terms and conditions of the office order shows that consequent upon the transfer, there will be no change in the present service conditions, category/grade and rate of pay except that they will be governed by the hours of work, holidays, etc., as applicable to the employees working in the Mine/Department where they will be required to work on transfer from time to time and they are required to follow the system of 7 day week with staggering play-days and avail play-day on the notified day of work. Hence, the petitioner cannot attribute any *mala fides* or illegalities in the order of transfer, dated 06.11.2003.

On perusing the relevant record of transfer orders I am of the view that the transfer of the petitioner is a general transfer and the same was made on the administrative exigencies. Hence, I do not see any illegality in the transfer order, dated 06.11.2003 passed by the respondents.

The writ petition is accordingly dismissed. No costs.

02.11.2004

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ASSISTANT REGISTRAR

//TRUE COPY//

To

1. The Deputy General Manager (Personel-Corporate) Singareni Colleries Company Ltd., Kothagudem, Khammam District.
2. The Superintendent of Mine, KK-5 Incline, Singareni Colleries Company Limited, Mandamarri, Adilabad District.
3. 2 C.D.Copies.